



ANNO TERTIO

**GEORGI VI REGIS.**

A.D. 1939.

\*\*\*\*\*

**No. 32 of 1939.**

An Act to provide for the protection of native plants,  
and for other purposes.

[Assented to 14th December, 1939.]

BE IT ENACTED by the Governor of the State of South  
Australia, with the advice and consent of the Parliament  
thereof, as follows:

1. This Act may be cited as the "Native Plants Protection Act, 1939". Short title.

2. In this Act unless inconsistent with the context or subject matter— Interpretation.  
Cf. Vic. 3916,  
1930, s. 2.

"Crown lands" means all lands in the State except—

- (a) lands lawfully granted, or contracted to be granted, in fee simple by or on behalf of the Crown ;
- (b) lands subject to any agreement for sale or purchase or perpetual lease lawfully granted by or on behalf of the Crown ;
- (c) any street or road,

and includes all lands which, having been granted or held under agreement or lease, have been or are surrendered and all lands, which, having been lawfully held by any person for any estate or interest, have been or are lawfully forfeited to or resumed by, or by any means whatsoever have reverted to or revert to, or have been or are acquired by, the Crown :

"forest reserve" means a forest reserve within the meaning of The Woods and Forests Act, 1882-1935 :

## Native Plants Protection Act, 1939.

“Minister” means the Minister of the Crown to whom for the time being the administration of this Act is committed by the Governor :

“native plant” means any plant, shrub, or tree which is indigenous to South Australia, and includes any part of any such plant, shrub, or tree :

“protected wild flower” or “protected native plant” means any wild flower or native plant which has been notified pursuant to this Act by the Governor to be a wild flower or native plant protected under this Act :

“pick” in relation to a protected wild flower or a protected native plant means to gather, pluck, cut, pull up, destroy, take, dig up, remove, or injure the flower or plant or any part thereof :

“private land” means—

(a) land lawfully granted, or contracted to be granted, in fee simple by or on behalf of the Crown :

(b) land subject to any agreement for sale or purchase or perpetual lease lawfully granted by or on behalf of the Crown,

but does not include a street or road :

“protected period” means the period during which a wild flower or native plant is protected under this Act :

“wild flower” means the flower of any native plant.

Notification of  
protection.  
Cf. Vic. 3916,  
1930, s. 3.

3. (1) The Governor may notify by proclamation that any wild flower or native plant specified in the proclamation is protected under this Act in any part or parts of South Australia specified in the proclamation.

(2) The protection may be for a limited or unlimited period as is specified in the proclamation.

(3) The Governor may, by proclamation, revoke or amend any such proclamation.

(4) Notwithstanding anything in any other Act but subject to the provisions of section 6 of this Act, no licence or other authority shall during the protected period be issued for the removal of any protected wild flower or protected native plant from any Crown lands (other than a forest reserve) in any part of South Australia to which any such proclamation applies; and any such licence or authority in force at the date of the publication of the proclamation in the *Government Gazette* shall not be operative during that period in such part of South Australia.

4. (1) Any person who during the protected period picks a protected wild flower or protected native plant which, in any part of South Australia to which any such proclamation relating to such flower or plants applies, is growing—

Penalty for picking.  
Cf. Vic. 3916, 1930, s. 4.

- (a) on any Crown lands ; or
- (b) on any land reserved for a public purpose under any Act ; or
- (c) on any street or road ; or
- (d) on any forest reserve unless pursuant to a licence or other authority under The Woods and Forests Act, 1882-1935 ; or
- (e) on any private land the owner or lessee of which has not given his permission in that behalf,

shall be guilty of an offence against this Act.

(2) In any prosecution under this section proof that any protected wild flower or protected native plant was found in the possession of the defendant during the protected period shall be *prima facie* evidence that the defendant picked the wild flower or native plant in contravention of this section.

(3) In any prosecution under this section it shall be a sufficient defence to prove that the matter charged as an offence was the result of accident or that the protected wild flower or protected native plant was picked in a place not included in any proclamation aforesaid.

5. (1) Any person who sells or offers or exposes for sale any protected wild flower or protected native plant during the protected period shall be guilty of an offence against this Act.

Selling forbidden.  
Cf. Vic. 3916, 1930, s. 5.

(2) It shall be a sufficient defence in any prosecution under this section to prove that the wild flower or native plant—

- (a) had been growing upon a forest reserve and was picked pursuant to a licence or other authority under The Woods and Forests Act, 1882-1935 ; or
- (b) had been growing upon private land and was picked with the consent of the owner or lessee of that land ; or
- (c) was picked in a place not included in any proclamation aforesaid.

6. The Minister may, in the prescribed form and subject to any limitations as to locality and to any other conditions he thinks proper or as are prescribed, issue licences authorizing the holders thereof to pick the protected wild flowers or protected native plants specified therein for scientific purposes or for any other purpose which is approved by the Minister.

Licences to pick for scientific purposes, etc.  
Cf. Vic. 3916 1930, s. 6.

## Native Plants Protection Act, 1939.

**Suspected person to give name and address to certain authorized officials, etc.**  
Cf. Vic. 3916, 1930, s. 7.

**7. (1)** Any member of the police force, or any officer or employee of the Woods and Forests Department, or any officer or employee of any municipal or district council, or any honorary inspector under this Act may require any person reasonably suspected of having offended against this Act to give his name and address and to deliver up any protected wild flower or protected native plant in his possession.

(2) Any person who, when so required, refuses to give his name or address, or gives a false name or address, or refuses to deliver up such protected wild flower or protected native plant shall be guilty of an offence against this Act.

**Honorary inspectors.**  
Cf. Vic. 3916, 1930, s. 8.

**8.** The Minister may appoint honorary inspectors to assist in carrying out in the manner prescribed the provisions of this Act.

**Penalties.**  
Cf. Vic. 3916, 1930, s. 9.

**9.** Any person convicted of an offence against this Act shall be liable for a first offence to a penalty of not more than five pounds and for a second offence to a penalty of not more than ten pounds, and for a third or subsequent offence to a penalty of not more than twenty pounds.

**Regulations.**  
Cf. Vic. 3916, 1930, s. 10.

**10.** The Governor may make regulations for or with respect to prescribing all matters and things authorized or required to be prescribed or necessary or convenient to be prescribed for carrying this Act into effect.

**Evidence.**

**11.** In any proceedings for an offence against this Act the allegation in the complaint that any land is Crown land, private land, a forest reserve, land reserved for a public purpose under any Act, or a street or road, shall be deemed proved in the absence of proof to the contrary.

**Proceedings for offences.**

**12.** All proceedings for offences against this Act shall be disposed of summarily.

In the name and on behalf of His Majesty, I hereby assent  
to this Bill.

C. M. BARCLAY-HARVEY, Governor.